IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 554 (S/S) of 2006

Ashish Semwal S/o Sri Surendra Dutt Semwal
R/o Village Post Office Budhakedar, Vaya Ghansali
District Tehri Garhwal -------Petitioner

Versus

1. State of Uttaranchal through Secretary, Education, Uttaranchal Dehradun
2. Additional District Basic Education Officer, Tehri Garhwal (New Tehri)
3. Block Education Officer, Bhilangana, Tehri Garhwal
4. Gram Shiksha Samiti, Gram Panchayat Koti (Kathur), Block Bhilangana, District Tehri Garhwal, through its Chairman
5. Principal, District Education & Training Institute, Madannegi, Tehri Garhwal
6. Dalveer Singh S/o Sri Makhhan Singh Rawat
   R/o Village Koti, Post Office Thati Budhakedar
   District – Tehri Garhwal

-------Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri R.P. Nautiyal, learned counsel for the petitioner, Sri Paresh Tripathi, learned Standing Counsel for respondent no. 1, 2, 3 and 5, and Sri Vinay Upadhyay, learned counsel for respondent no. 6.

Counsel for both the parties are agree for disposal of the petition at this stage.

The petitioner by means of this writ petition has challenged the order dated 17.04.2006 by which respondent no. 5 stopped the petitioner from training of Shiksha Mitra in district Education & training Institute, Madannegi, Tehri Garhwal on the ground that there is a dispute with regard to appointment of petitioner as Shiksha Mitra in Primary School, Koti, Gram Panchayat Koti, Patti Thati (Kathur) Block Bhilangana, Distric Tehri Garhwal.

Learned counsel for respondent no. 6 has submitted that the petitioner was not qualified for the post of Shiksha Mitra when the selection was made. Respondent no. 6 has challenged the appointment of the petitioner on the ground that petitioner is as outsider and as per G.O. under which the appointments are made on the post of Shiksha Mitra, petitioner is not entitled to be appointed. Further the post of Shiksha Mitra in Primary School, Koti was earmarked for Science Teacher and the petitioner is not qualified to be appointed against that post as he is having qualification of only B.A. Further the contract of appointment with petitioner has already been cancelled by the Village Education Committee on 16.01.2006.

In these circumstances, the Block Education Officer, Bhilangana, District Tehri Garhwal is directed to conduct inquiry on the issue of appointment of the petitioner and in case it is found that the appointment of the petitioner is in accordance with law, he may be directed to continue and in case the appointment of the petitioner is not in accordance with law and he is not having the requisite qualification as prescribed under the relevant G.Os., the Block Education Officer shall initiate proceeding for appointment of Shiksha Mitra in the concerned institution. The Block Education Officer will give opportunity of hearing to both the parties, i.e., the petitioner and the respondent no. 6.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

18.05.2007
VKS